

The Honorable Tana Lin

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

NEVIN SHETTY,

Defendant.

NO. CR23-084-TL

**UNITED STATES' STATUS
REPORT RE: ORDER ON MOTION
TO COMPEL *BRADY* MATERIAL**

The United States respectfully submits this status report regarding the Court's order on the defendant's motion to compel discovery of *Brady* material. Dkt. 102.

The day after receiving the Court's order, the undersigned counsel contacted the prosecution team handling the Do Kwon matter in New York. The New York team conveyed three important points about their case. First, their case file contains more than seven terabytes of data, making it one of the largest active investigative databases in the Southern District of New York. Second, because their investigation is ongoing, the New York team's case file is not static and will continue to expand as that team advances its investigation into participants in the Terraform fraud and develops further evidence to support Kwon's extradition from Montenegro. Third, because Kwon has not yet appeared

1 in the case, the New York team has not prepared a collection of discoverable records that
2 could be readily produced to any party.

3 Under these circumstances, it is not possible for the United States Attorney's Office
4 for the Western District of Washington to obtain or review the Kwon investigative file as
5 required by the Court's order. After receiving this information, the government promptly
6 contacted defendant Nevin Shetty's lawyers to discuss this situation and possible
7 alternatives that would serve the same purpose as Shetty's discovery request. The parties
8 met and conferred telephonically on December 9, December 11, and December 12. At
9 present, the parties are discussing a possible agreement to a set of factual stipulations about
10 Kwon's fraud that would obviate the need for discovery from New York while still allowing
11 Shetty to make his argument that he believed UST was safe.

12 The government recognizes that the Court included a 30-day time limit in its order.
13 If the parties cannot reach agreement, either on stipulations or some other alternative, the
14 government will further apprise the Court and request appropriate relief.

15 DATED this 16th day of December, 2024.

16
17 Respectfully submitted,

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